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P28678.P10

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kenzi NISIKAWA

Mail Stop PCT

Appl. No. : 10/553,909 (National Stage of PCT/JP2004/005758)

I. A. Filed : April 22, 2004

For : OPTICAL CHARACTERISTIC MEASURING INSTRUMENT AND  
METHOD, PROGRAM, AND RECORD MEDIUM ON WHICH THE  
PROGRAM IS RECORDED

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and  
Trademark Office, Fax No. (571) 273-8300 on December 4, 2006 (date). *sent 12/4/06 4:10 PM.*  
Signature

Steve Wegman Reg. No. 34,138

Typed or printed name of person signing Certificate

## COVER LETTER

## Mail Stop PCT

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop PCT  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

The U.S. Patent and Trademark Office has issued a Notice to File Missing Requirements dated October 2, 2006. The requisite signed declaration and fee were filed on March 21, 2006, prior to the Notice to File Missing Requirements.

For the convenience of the U.S. Patent and Trademark Office, copies of the following documents are submitted herewith:

(1) Cover Letter of March 21, 2006;

{P28678 00096559.DOC} 1

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P28678.P10

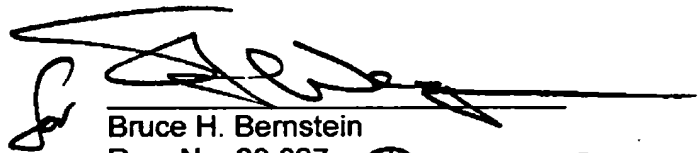
- (2) Executed Declaration;
- (3) Notice to File Missing Requirements dated October 2, 2006;
- (4) Check No. 57513 in the amount of \$130.00;
- (5) Date stamped mailroom receipt for the above-listed materials, evidencing filing of these materials in the Mailroom of the U.S. Patent and Trademark Office on March 21, 2006.

Applicant's U.S. counsel spoke to Ms. India Evans on November 27, 2006, who confirmed receipt of the above-noted documents. Ms. Evans indicated that all of the application requirements have been complied with. Accordingly, Applicants request confirmation of this.

The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 19-0089.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed number.

Respectfully submitted,  
Kenzi NISIKAWA



Bruce H. Bernstein  
Reg. No. 29,027

Reg. 31,438

December 4, 2006  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

{P28678 00096559.DOC}2



GREENBLUM & BERNSTEIN, P.L.C.  
Intellectual Property Causes  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

3/21/2006

File In: Mil/1000

The Patent Office Date stamp hereon is an acknowledgement that, on the date indicated, the Patent Office received the following:

- |   |  |
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| <input type="checkbox"/> Executed Assignment and cover letter                         |  |
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| <input type="checkbox"/> PTOL-85B Issue Fee & Publication Fee (with Copy)             | <input type="checkbox"/> Continuation <input type="checkbox"/> CIP                             |
| <input type="checkbox"/> Cover Letter Regarding Drawings                              | <input type="checkbox"/> Divisional  |
| <input type="checkbox"/> Design Patent Application Transmittal                        | _____ pages (w/abstract)   |
| <input type="checkbox"/> Utility Patent Application Transmittal                       | _____ claims _____ independent   |
| <input type="checkbox"/> Provisional Application Cover Sheet                          | _____ sheets of drawings   |
| <input type="checkbox"/> Request for Continued Examination (RCE) including Submission | _____ figures  |
| <input checked="" type="checkbox"/> Cover Letter                                      | <input type="checkbox"/> I.D.S. form PTO-1449 & Documents <input type="checkbox"/> as attached |
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| <input checked="" type="checkbox"/> Check No. 57513 for \$ 130.00                     | <input type="checkbox"/> One self-addressed postcard   |
| <input type="checkbox"/> Rule 53b and 53f Letter for Unexecuted Application           | <input type="checkbox"/> Certification under 1.97(e)   |
| <input type="checkbox"/> Application Data Sheet                                       | <input type="checkbox"/> Certificate of Mailing (C-O-M)  |
|   | <input type="checkbox"/> Returned Envelope   |

In the matter of : OPTICAL CHARACTERISTIC MEASURING INSTRUMENT AND METHOD, PROGRAM, AND RECORD MEDIUM ON WHICH THE PROGRAM IS RECORDED

Applicant : Kenzi NISIKAWA

Application No. : 10/553,909

Filed : 10/21/05

Patent No. :

Issued :

Docket : P28678

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Oath or declaration after twenty or thirty months from priority date (1617)						
File # : P28678						
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RESTON, VA 20191  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/553,909	Kenzi Nishikawa	P28678

INTERNATIONAL APPLICATION NO.
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PCT/JP04/05758

I.A. FILING DATE	PRIORITY DATE
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04/22/2004

04/24/2003

7055  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

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OCT 04 2006

GREENBLUM &amp; BERNSTEIN PLC

CONFIRMATION NO. 1096

371 FORMALITIES LETTER



\*OC000000020681530\*

Date Mailed: 10/02/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/21/2005
- English Translation of the IA filed on 10/21/2005
- Copy of the International Search Report filed on 10/21/2005
- Information Disclosure Statements filed on 10/21/2005
- Oath or Declaration filed on 10/21/2005
- Request for Immediate Examination filed on 10/21/2005
- U.S. Basic National Fees filed on 10/21/2005

COPY

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/553,909	PCT/JP04/05758	P28678

FORM PCT/DO/EO/905 (371 Formalities Notice)